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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,148	02/05/2001	Donald E. Traub	0101UR	9643

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EXAMINER
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CARLSON, JEFFREY D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/776,148

Applicant(s)

TRAUB, DONALD E.

Examiner

Jeffrey D. Carlson

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M4

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 11 is objected to because of the following informalities:

- Claim 11 line 15, "bottom" should be replaced by --button--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 3 appears to conflict with the limitation set forth in claim 2. Claim 2 states data transmission is performed upon passage of a certain time or a number events. Claim 3 attempts to specify that the transmission is performed upon *neither*, but rather upon presence of a connection. Claim 3 must further define claim 2, not contradict it.
- Claim 5 line 11, there is no antecedent basis for said modem and telephone line.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griebenow et al (US5850520) in view of Reisman (US5694546) and Houston (US6353929).

Regarding claim 1, Griebenow et al teaches delivery (e-mailing) of an electronic publication (i.e. digital magazine) that is prepared by a publisher (surveyor) who incorporates ads submitted from an advertiser. The user who receives delivery of the electronic publication can repeatedly browse/read/interact with the electronic publication which is stored locally on the user's PC [1:60-67+, 9:25-45]. Griebenow et al teaches that the electronic publications may be multimedia, including audio and video [5:14-16, 8:63-67]. Reisman teaches the well known techniques of providing electronic publications on CD and delivering them to users [1:20-43]. It would have been obvious to one of ordinary skill at the time of the invention to have provided the electronic publication of Griebenow et al on a physical medium such as CD so that the user is not burdened with the need to download the (multimedia) files which could be quite large. The user's computer includes a publication reader application which is programmed to notify the publisher's server regarding the events of publication access, content selection, ad selection, ad interaction, etc., enabling the publishing and advertising

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entities to monitor the user's interaction history with the publication [6:1-12]. Griebenow et al inherently identifies the advertiser so that the publisher may charge the advertiser based on the interaction history. Griebenow et al does not provide much more detail regarding the monitoring features. Houston also teaches users (panel members) accessing, reading, activating and interacting with electronic media, including media provided on a CD [abstract, 4:30-45]. The user's PC includes software to monitor the interaction with the ads [5:38-53] so that advertisers can gauge the success of their ad campaigns [1:32-40]. It would have been obvious to one of ordinary skill at the time of the invention to have provided advertising monitoring as desired by Griebenow et al with the processes as taught by Houston. Houston accomplishes logging of the user's media interaction history using: user log-in and (password) authentication providing a sessionID [6:31-36], ad/object identifier [4:40-50], date and timestamps, user action (event identifier) [16:64-67, 17:1-19], and sequence numbers provided by log entry identifiers. Fig 8 also shows the details of the logged information. The user's PC communicates the log information to the publisher's (surveyor's) server which enables an advertiser (referred to as a customer) to access the server over the network for customized report generation regarding their ad campaign [19:7-20].

Regarding claims 2-6, 14, 15, Official Notice is taken that it is well known to provide data updates in real-time or as batch processing and it would have been obvious to one of ordinary skill at the time of the invention to have sent and stored the logged history events to the publisher's server in real time or in collected batches until a connection is available, until a certain time period has passed or until a certain number

of events have been logged as a matter of system design choice. It would have been obvious to one of ordinary skill at the time of the invention to have provided such transmissions over the Internet using a modem as is well known. Regarding claim 14, it would have been obvious to one of ordinary skill at the time of the invention for the publisher to have provided a password to the advertiser and password protected the reporting site so that people outside the company cannot access such privileged corporate data.

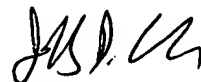
Regarding claims 7-13, 16-19, it would have been obvious to one of ordinary skill at the time of the invention to have provided any known style of reports (textual, maps) and including any subset of data collected by the system. It would have been obvious to one of ordinary skill at the time of the invention to have "sliced and diced" subsets or all of the collected raw data in any way (using any parameters) in order to provide meaningful information to the advertiser. It is pointed out that Houston teaches collection of time/date, campaign information [fig 6], registered user data including demographics, location, email etc [fig 5]. Griebenow et al teaches that users can interact with the ads to request more information and even to make purchases. It would have been obvious to one of ordinary skill at the time of the invention to have stored such purchasing actions with the interaction history so that the advertiser can further measure the success of the campaign.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey D. Carlson  
Primary Examiner  
Art Unit 3622

jdc